

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

|                                 |   |               |
|---------------------------------|---|---------------|
| COLONIAL PIPELINE COMPANY,      | ) |               |
|                                 | ) |               |
| Plaintiff,                      | ) |               |
|                                 | ) |               |
| v.                              | ) |               |
|                                 | ) |               |
| JOHN G. MORGAN, TENNESSEE       | ) |               |
| COMPTROLLER OF THE TREASURY;    | ) |               |
| and TENNESSEE STATE BOARD OF    | ) |               |
| EQUALIZATION; and THE MEMBERS   | ) | No. 3:05-0148 |
| OF THE TENNESSEE STATE BOARD    | ) | JUDGE ECHOLS  |
| OF EQUALIZATION, INDIVIDUALLY,  | ) |               |
| AS FOLLOWS:                     | ) |               |
| GOVERNOR PHIL BREDESEN,         | ) |               |
| CHAIRMAN; RILEY DARNELL,        | ) |               |
| SECRETARY OF STATE,             | ) |               |
| VICE-CHAIRMAN; DALE SIMS,       | ) |               |
| STATE TREASURER; LOREN CHUMLEY, | ) |               |
| COMMISSIONER OF REVENUE; JOHN   | ) |               |
| MORGAN, COMPTROLLER OF THE      | ) |               |
| TREASURY; DOYLE ARP, ASSESSOR   | ) |               |
| OF PROPERTY; and J. M. BAILEY,  | ) |               |
|                                 | ) |               |
| Defendants.                     | ) |               |

ORDER

For the reasons explained herein and in the Memorandum entered contemporaneously herewith, the Court rules as follows:

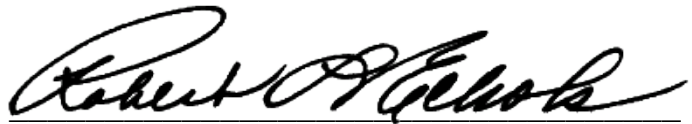
(1) Plaintiff's Motion and Request for Oral Argument of Defendants' Motion to Dismiss and Plaintiff's Rule 12(d) Motion in the Alternative (Docket Entry No. 22) is hereby DENIED because the Court finds that oral argument will not assist the Court in deciding the case.

(2) Plaintiff's Rule 12(d) Motion in the Alternative (Docket Entry No. 19), to delay ruling on Defendants' Motion to Dismiss until trial, is hereby DENIED.

(3) Defendants' Motion to Dismiss (Docket Entry No. 11), for lack of subject matter jurisdiction, is hereby GRANTED.

(4) This case is hereby DISMISSED WITHOUT PREJUDICE. Entry of this Order shall constitute the final judgment in this action.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE